IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 9505 of 2004

Between:

1) M.Gajanand, S/o.M.Jangaiah,
R/o.H.NO.13-2-270/A/2, Baba Balakdasmut, Upper Dhoolpet,
Hyderabad.
2) Ramesh Singh, S/o.Lakan lal,
Propietor of Ramesh Traders, Near Baba Balakdasmut, Upper

Dhoolpet, Hyderabad.

.... PETITIONERS

AND

1 The Commissioner, Proh.& Excise, Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner, Proh & Excise, Hyderabad Division,

Hyderabad.
3 The Excise, & Prohibition Superintendent, Hyderabad.
4 The Proh & Excise Sub-Inspector, Proh & Excise Station,

Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order dated 16-2-2004 in Cr.No.11116/2003/CPE/ D4, passed by the 1st respondent in confirming the order dated 23-6-2003 in Cr.No.C3/6491/2002 passed by the 2nd respondent and also the auction of the respondents in seizing the vehicle on the ground that it was used for transportation of Molasses as illegal, arbitrary and without jurisdiction and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

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ORDER: -

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Petitioner herein seeks to assail the orders rejecting his request for

release of the vehicle pending substantive appeal before first respondent herein.

This Court already granted interim directions in W.P.M.P.No.12150 of 2004. Having regard to the fact that the appeal is pending, it is not necessary to go into the merits of the case. Suffice it to direct first respondent to dispose of the appeal.

Accordingly, this writ petition is disposed of directing first respondent to dispose of the appeal within a period of four weeks from today. It is needless to state that the interim orders granted by this Court shall continue till the disposal of the appeal.

13—08—2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Proh.& Excise, Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner, Proh & Excise, Hyderabad Division,

Hyderabad.
3 The Excise, & Prohibition Superintendent, Hyderabad.
4 The Proh & Excise Sub-Inspector, Proh & Excise Station,

Hyderabad.
5 2 CCs to G.P for Proh.&Excise, High Court of A.P.,Hyd. (OUT)

6 2 CD copies

Stv/Rar